

1 ERSKINE & TULLEY  
A PROFESSIONAL CORPORATION  
2 MICHAEL J. CARROLL (St. Bar #50246)  
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3 San Francisco, CA 94104  
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4 Attorneys for Plaintiff  
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8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA  
10

11 NORTHWEST ADMINISTRATORS, INC., ) NO. C 08 0135 WDB  
12 )  
Plaintiff, )  
13 )  
vs. ) DECLARATION OF ATTORNEY  
14 ) MICHAEL J. CARROLL  
BAYVIEW ROCK, a California Limited ) IN SUPPORT OF PLAINTIFF'S  
15 Liability Company ) EX PARTE APPLICATION FOR  
ORDER TO CONTINUE CASE  
16 Defendant. ) MANAGEMENT CONFERENCE  
17 )

18 I, MICHAEL J. CARROLL, certify:

19 1. I am an attorney with the law firm of Erskine & Tulley,  
20 A Professional Corporation, attorneys for plaintiffs in this action.  
21 I am duly admitted to practice law in the United States District  
22 Court, Northern District of California. If called as a witness, I  
23 could and would competently testify as follows:

24 2. Service was accomplished upon the only party on January  
25 28, 2007. No responsive pleading was filed.

26 3. On March 18, 2008 defendant default was entered.

27 4. The Trust Fund relies upon a self-reporting system, so  
28 only the defendant has the records the Trust fund needs to determine

1 the amounts due.

2 5. Plaintiff will file a motion for entry of default  
3 judgment. However, before this can be done, it will be necessary to  
4 take the deposition of defendant's custodian of records.

5 6. It is requested that the Court continue the Status  
6 Conference some sixty days hence, to July 17, 2008.

7 7. Good cause exists to grant plaintiff's request for a  
8 continuance of the case management conference currently set for  
9 April 17, 2008 so that plaintiff may avoid unnecessary legal expenses  
10 and to avoid any unnecessary burden to the Court.

11 I declare under penalty of perjury that the foregoing is  
12 true and correct to the best of my knowledge.

13 Executed on April 9, 2008 at San Francisco, California.

14 /s/ Michael J. Carroll  
15 Michael J. Carroll  
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PROOF OF SERVICE BY MAIL

I am a citizen of the United States and employed in the City and County of San Francisco, California. I am over the age of eighteen years and not a party to the within above entitled action; my business address is 220 Montgomery Street, Suite 303, San Francisco, CA 94104. On April 9, 2008 I served the DECLARATION OF MICHAEL J. CARROLL IN SUPPORT OF PLAINTIFF'S EX PARTE APPLICATION FOR ORDER TO CONTINUE CASE MANAGEMENT CONFERENCE on the defendant in said action, by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the United States post office mail box at San Francisco, California, addressed as follows:

Bayview Rock, LLC.  
1485 Bayshore blvd. Ste#71  
San Francisco, CA 94124

I, SHARON EASTMAN, certify (or declare), under penalty of perjury that the foregoing is true and correct.

Executed on April 9, 2008 at San Francisco, California.

/s/Sharon Eastman  
Sharon Eastman